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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BRITTANY LEYKAM,

Plaintiff,

-against-

JP MORGAN CHASE & CO. d/b/a "JPMCB CARD
SERVICES," HIGHER EDUCATION LOAN
AUTHORITY OF THE STATE OF MISSOURI d/b/a
"MOHELA," EQUIFAX INFORMATION
SERVICES, L.L.C.,
EXPERIAN INFORMATION SOLUTIONS, INC.
and TRANSUNION INTERACTIVE, INC.,

Defendants.

Case No. 1:24-cv-7805

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and based upon the grounds set forth in this Notice of Removal, defendant JPMorgan Chase Bank, N.A. ("Chase"), hereby removes the claims at issue in plaintiff Brittany Leykam's ("Plaintiff" or "Leykam") Complaint, as described more fully below, from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York. In support of its Notice of Removal, Chase states as follows:

1. On September 30, 2024, Plaintiff filed a Summons and Complaint in the Supreme Court of the State of New York, Kings County, where the matter was assigned Index No. 526553/2024.

2. On October 9, 2024, Plaintiff served a copy of the Summons and Complaint upon Chase vis-à-vis its registered agent in New York, New York. True and accurate copies of the Summons and Complaint are attached hereto as Exhibit "1."

3. The Complaint constitutes the initial pleading for purposes of removal under 28 U.S.C. §1446(b) as it provides the necessary facts to support this notice of removal. Removal is thus timely under 28 U.S.C. §1446(b) because Chase has filed this notice within thirty days of receipt of the Complaint. Chase has not responded to the Complaint, nor have any of the other named defendants appeared in the state action or answered the Complaint.

4. In sum and substance, the Complaint contends that (i) Plaintiff opened a credit card account with Chase, (ii) the Chase account became delinquent “by May 2019,” and (iii) Chase is inaccurately reporting that the account did not become delinquent until July 2019. *See* Complaint annexed hereto as Ex. 1, at ¶¶13-14. Plaintiff sent dispute letters to Equifax, requesting the allegedly inaccurate reporting be corrected. *Id.* at ¶15. Plaintiff alleges Chase failed to conduct a reasonable investigation of her reporting dispute and correct the inaccuracy in violation of the Fair Credit Reporting Act (FCRA), 15 U.S.C. §1681 *et seq.* *Id.* at ¶¶34-35.

5. The FCRA applies to claims involving any information furnished to consumer reporting agencies. *See Macpherson v. JPMorgan Chase Bank, N.A.*, 665 F.3d 45, 47-48 (2d Cir. 2011) (citing 15 U.S.C. §1681t(b)(1)(F) (“[n]o requirement or prohibition may be imposed under the laws of any State with respect to any subject matter ... relating to the responsibilities of persons who furnish information to consumer reporting agencies ...”). Accordingly, pursuant to 28 U.S.C. §§ 1331 and 1441(b), causes of action arising under the FCRA, insofar as they implicate a federal question, are properly removed to federal court. *See, e.g., Green v. NCO Inovision*, 2010 WL 147934, at *1 (D.N.J. Jan. 11, 2010); *Farley v. Williams*, 2005 WL

3579060, *1, 2 (W.D.N.Y. Dec. 30, 2005); *Caltabiano v. BSB Bank & Trust Co.*, 387 F.Supp.2d 135, 137 (E.D.N.Y. 2005).

6. Copies of all process, pleadings, and orders served upon Chase in the State court action are attached hereto as Exhibit "1" as required by 28 U.S.C. § 1446(a).

7. Chase is simultaneously filing a copy of this Notice with the Supreme Court of the State of New York, Nassau County, in accordance with 28 U.S.C. § 1446(d).

8. This Notice of Removal is also filed with a Disclosure Statement certifying the identity of all publicly traded corporate entities associated with Chase, in accordance with the requirements of Rule 7.1 of the Federal Rules of Civil Procedure.

WHEREFORE, defendant Chase requests that this action be removed from the Supreme Court of the State of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
November 8, 2024

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